

REMARKS

Status of the Claims

Claims 1-4 and 7 are pending in the present application. Claim 8 is canceled. Claims 5 and 6 were previously canceled. Claims 1 and 7 are amended. Support for these amendments is found throughout the application as originally filed including, *e.g.*, on page 9, 4th paragraph and page 13. No new matter has been added by way of this amendment. Reconsideration is respectfully requested.

Issue Under 35 U.S.C. § 112, first paragraph

Claims 1 and 7, including dependent claims 2-4 and 8, are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that the phrases “at least” 1×10^6 cells and “at least” 3×10^6 cells introduces new matter. The Examiner further states that the present application supports 1×10^6 and 3 to 5×10^6 cells, but there is allegedly no support for the phrase “at least.”

Although Applicants do not agree with the Examiner, the claims are amended to specify the cell number that the Examiner agrees is supported by the present application.

Accordingly, Applicants believe that the rejection is overcome and respectfully request withdrawal thereof.

CONCLUSION

In view of the above amendment, Applicants believe that the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact L. Parker, Reg. No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated:
OCT 08 2009

Respectfully submitted,

By

Gerald M. Murphy, Jr.

Registration No. 28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant